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ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA, Plaintiff/Respondent, vs. MATTHEW EVANS DOWD, Defendant/Petitioner	CR 03-7-M-DWM <u>MOTION FOR HEARING</u>
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Plaintiff United States of America, by and through the
undersigned Assistant United States Attorney for the District of
Montana, moves this Court for its order allowing an evidentiary hearing

in this matter.

The basis for this motion is that on February 18, 2010, the government became aware that the defense is seeking to depose eight different people in regards to this matter. These depositions are expected to take place in Utah, Colorado, Illinois, and Montana. The government sees no need for this discovery in light of the fact that we intend to request an evidentiary hearing and that affidavits from seven of these individuals were filed with the court. However, the government concedes that a deposition of Michael Bailey - who did not file an affidavit - may be appropriate.

Palmer Hoovestall, counsel for defendant Dowd, has been contacted as to his position on this motion and he objects.

Wherefore, the United States respectfully requests the Court grant Plaintiff's motion for an evidentiary hearing.

DATED this 19th day of February, 2010.

MICHAEL W. COTTER
United States Attorney

/s/ Tara J. Elliott
TARA J. ELLIOTT
Assistant U.S. Attorney
Attorney for Plaintiff/Respondent

CERTIFICATE OF SERVICE

I hereby certify that on February 19, 2010, a copy of the foregoing document was served on the following persons by the following means:

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1. Clerk, U.S. District Court
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